



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 17, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Sheryl L. Walter
Acting Assistant Attorney General

SUBJECT:

Weekly Report for April 16, 2001 - April 20, 2001

THE WEEK AHEAD

NOTE: Congress is not in session this week. The Senate returns April 23. The House returns April 24.

Cincinnati: On April 17, staff from the Community Relations Service accompanied by OLA staff will brief staff for Senators DeWine and Voinovich and staff for Congressmen Portman and Chabot about their activities in Cincinnati following last week's police shooting. (Scott-Finan)

Hanssen: On April 17, representatives from the Criminal Division and OLA will join CIA and FBI in briefing cleared House Appropriations staff on this case. On April 10, DOJ representatives for the Criminal Division and OLA attended a briefing by the State Department for Senate Foreign Relations Committee staff on the operation of State's Office of Foreign Missions, to which Hanssen had been detailed. At least three hearings are likely in the next few weeks. The Senate Select Committee on Intelligence has scheduled tentative hearings on April 20 and May 3 (FBI Director Freen and Attorney General Ashcroft may be asked to testify at the latter). The Senate Judiciary Committee has scheduled a tentative hearing on April 25 on polygraph matters, at which Judge William Webster will be asked to testify about the review of FBI security issues he is heading. (Walter)

Worker Exploitation: On Tuesday, April 17th, Civil Rights and OLA will brief staff from Congressman George Miller's office on the application of the new trafficking in persons legislation and its applicability to a current worker exploitation case in Samoa. (D. Burton)

Radiation Exposure Compensation Act (RECA): On Wednesday, April 18, staff from OLA, CIV and JMD are meeting with staff from the House and Senate Judiciary Committees to discuss the Administration's budget request for the RECA. (Pearlman)

Community Relations Service: On April 18, the Community Relations Service (CRS) will brief staff for Senator Lott on the work and role of CRS. OLA staff will attend the briefing. (Scott-Finan)

Nominations: Both Ted Olson and Larry Thompson are responding to written questions received from members of the Senate Judiciary Committee. Chairman Hatch stated that he intended to hold a markup on April 26 with their names on the agenda to be considered for a vote by the full Committee.

The nomination of Charles James to be Assistant Attorney General for the Antitrust Division was sent to the Senate on April 6.

Both Dan Bryant and Charles James have courtesy visits with Senator Thurmond this week. (Scott-Finan)

Changes in the Election Process: The House Administration Committee (Ney, Chairman) will hold a hearing on improving the election process on April 25. We have a request from Committee staff to provide a briefing by the Civil Rights Division prior to the hearing. (Scott-Finan)

Bureau of Prisons: On April 5, Congressman Frank Wolf, Chair of the Commerce, Justice, State Appropriations Subcommittee, toured the Bureau of Prisons penitentiary at Lewisburg and facilities at Allenwood. On April 11, Congressmen Lamar Smith and Bobby Scott, the Chair and Ranking Minority Member, respectively, of the House Judiciary Crime Subcommittee toured the same facilities. The House Judiciary Crime Subcommittee has tentatively scheduled a hearing on federal prison industries for April 26. BOP Director Kathy Hawk Sawyer and BOP Assistant Director Steve Schwalb will be witnesses for the Department. (Scott-Finan)

Product Liability: Targeted product liability reform is expected to be introduced in the House and Senate shortly after members return from the spring recess. According to published reports, Republican and Democratic sponsors in both chambers support legislation that would cap punitive damages for small businesses and limit the liability of non-manufacturer product sellers of any size. Congress Daily reports that, substantively, the House and Senate bills are expected to be similar, although neither will be identical to legislation that was approved by a narrow margin in the House last year. In the House, Representative Asa Hutchinson (R-Ark.) is expected to introduce the legislation, along with Representative Tim Holden (D-Pa).

Already pending before the House Judiciary Committee is legislation introduced last month by Representative Steve Chabot (R-Ohio) to establish a "statute of repose" that would prohibit the filing of a civil action against a manufacturer or seller of a durable good after more than 18 years. The House passed this legislation last year, but it died in the Senate. (Wilson)

SW Border - Prescription Drugs: We are continuing to discuss with staff of the House Committee on Energy and Commerce an appropriate accommodation respecting their request for documents relating to enforcement of the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. We have provided all but a small group of internal deliberative documents. We expect a substantive meeting on the issue on April 30, 2001, to include the Committee and representatives of Customs, FDA/HHS, DEA, and OLA. (Tanner)

THE WEEK IN REVIEW

House Government Reform Committee - Pardons: The Committee's requests for documents about Executive grants of clemency on January 20th remain under consideration within the Department. The principle issue for determination is the appropriate parameters of Congressional oversight regarding the clemency process. Once those parameters are more clearly defined, we will be better equipped to respond to the Committee's requests, which encompass clemency records regarding eighteen individuals in addition to requests for DEA records regarding Carlos and Horatio Vignali. Documents relating to Marc Rich and Pincus Green, which also were requested by the Committee, are under review in the Criminal Division and we hope that they can be released to the Committee in the near future. (F.Burton)

House Government Reform Committee - Campaign Financing: The Committee also seeks an interview with former Campaign Financing Task Force Chief Robert Conrad about the status of several matters within the purview of the Task Force. This request is under review within the Criminal Division. Mr. Conrad has now returned to the United States Attorney's Office in North Carolina. The Criminal Division also is considering the Committee's request for documents supplied to the Department by Mr. James Riady, who was the subject of a Task Force investigation. (F.Burton)

FY 2002 Budget Release and Briefings. OLA began circulating the Department's FY 2002 budget to staff shortly after the press conference on Monday, April 9, and responded to numerous inquiries from staff whose members were traveling in their states or districts.

On Tuesday, April 10, OLA accompanied the Justice Management Division budget staff to brief Senate Judiciary on the FY 2002 budget. A briefing for House Judiciary was held on Thursday, April 12. (Daley)

U.S.-Mexico Migration Working Group: On March 30, OLA, ODAG, INS, and State Department staff provided House and Senate Judiciary staff information and agenda items regarding the U.S. - Mexico Migration Working Group chaired by the Attorney General and Secretary of State. The purpose of this meeting was to receive thoughts and feedback from Hill staff and Members regarding the agenda and goals of the working group. On April 3, 2001, OLA, ODAG, and State Department

staff had a conference call with Senator Phil Gramm regarding his legislative proposal for alien guestworkers. Senator Gramm outlined his proposal and shared his perspective on migration issues. Senator Gramm also had a telephone conversation with the Attorney General on the same date. The first Working Group meeting took place on April 4, 2001. The first briefing was with Sensenbrenner staff, followed by both House and Senate Judiciary Committee staff. Sensenbrenner is particularly interested in the issue of incursions into the United States by Mexican military officers.

Among the topics discussed were border safety, current guestworkers programs (H2A Visas), the possible new guestworker program, regularization (providing legal status to illegal aliens), law enforcement cooperation, economic development, extending the 245(i) deadline, fencing along the border, and amnesty. (Miller)

Decertification Bill: The mark-up of S. 219 was held on April 3, 2001. The bill will suspend certification of major drug producing nations and replace it with a narrower list of major producers making insufficient efforts to combat drug production and trafficking. (Tanner)